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AUG 17 1992  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

August 15, 1992

Hon. Donna Searcy, Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
Room 222  
1919 M Street, NW  
Washington, DC 20554

RECEIVED  
AUG 17 1992  
FCC MAIL BRANCH

Re: Petition for Rule Making  
Substitute Ch. 264C3 for Ch. 264A - Northport, Alabama  
Delete Vacant Channel 263A - Macon, Mississippi

Dear Ms. Searcy:

Enclosed please find an original and five copies of a Petition for Rule Making, filed by WARRIOR BROADCASTING, INC., requesting the substitution of Channel 264C3 for Channel 264A at Northport, Alabama, and the modification of the license for Station WLXY(FM) to specify operation on the higher-class channel; and the deletion of vacant and unapplied for Channel 263A at Macon, Mississippi, or in the alternative, the imposition of a site-restriction on the Macon allotment.

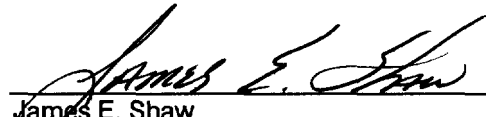
If this proposal is ultimately adopted, Warrior Broadcasting, Inc., will promptly apply for authority to construct and operate Class C3 facilities for Station WLXY(FM).

An additional copy of the first page of the petition is enclosed. Please date-stamp and return to us in the enclosed postage-paid envelope.

If there are any questions, please advise.

Respectfully submitted,

WARRIOR BROADCASTING, INC.

  
James E. Shaw  
President

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket _____
Table of Allotments,	)	RM - _____
FM Broadcast Stations	)	
(Northport, Alabama and	)	
Macon, Mississippi	)	

To: The Chief, Allocations Branch  
Mass Media Bureau

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PETITION FOR RULE MAKING

Comes now Warrior Broadcasting, Inc. ("Warrior"), licensee of Station WLXY(FM) at Northport, Alabama, pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to substitute FM Channel 264C3 for Channel 264A at Northport, Alabama, and the modification of the license of Station WLXY(FM) to specify operation on the higher-class channel. In order to accomodate the proposal, Warrior also requests the deletion of vacant and unapplied for Channel 263A from Macon, Mississippi, or in the alternative, the imposition of a site-restriction on the Macon allotment.

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Northport, Alabama	264A	264C3
Macon, Mississippi	263A	---

Channel 263A was allocated to Macon in Mass Media Docket No. 85-263 1/. Thereafter, an application for the Macon channel was filed by L. Lynn Henley (File No. BPH-860828MA). Henley's application was granted on March 2, 1987 2/. However, after several extensions of the permit and an assignment of the permit from Henley to WMXG, Inc., the station remained unbuilt. Finally, on June 23, 1992, the Commission cancelled the construction permit of Station WMXG(FM) 3/. WMXG, Inc., did not file for reconsideration of the cancellation, therefore the Commission's action cancelling the WMXG(FM) construction permit became final on July 23, 1992.

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1/ See *Report and Order*, MM Docket No. 85-263, released June 24, 1986.

2/ See Report No. 20020, *Broadcast Actions*, March 9, 1987.

3/ See Report No. 15298, *Broadcast Applications*, July 6, 1992.

In order to accommodate the upgrade of Station WLXY(FM) from a Class A to a Class C3 facility and permit the first wide-coverage FM station in Northport, Alabama, Warrior Broadcasting, Inc., respectfully requests the deletion of the Macon, Mississippi allotment. Although the Commission does not routinely remove a community's sole local service, the fact that the channel has never been on the air, and will likely never be on the air, will not cause any disruption to any existing service. Over six years after the Macon channel was allocated and almost five years after the construction permit for WMXG(FM) was originally granted, there is still no operating radio station in Macon, Mississippi. The economic reality of constructing a radio station in such a small community (under 2,500 population) dictates almost certain financial failure. There is simply not enough potential advertising revenue in a community of this size to support a viable radio station. The public interest would therefore be served by deleting Channel 263A from Macon, Mississippi, in order to permit WLXY(FM) to provide expanded service to Northport, Alabama and the surrounding area.

Warrior Broadcasting, Inc., realizes that the Macon allotment cannot be deleted should there be a valid expression of interest in the channel. However, no such

interest has been submitted to date. Absent any such expression of interest, the Commission should adopt Warrior's proposal to delete the channel from Macon in order to permit the upgrade of Station WLXY(FM). However, should a valid expression of interest in the Macon allotment be filed, Warrior Broadcasting, Inc., submits that it is possible to retain the Macon allotment and permit the upgrade of Station WLXY(FM), by imposing a site-restriction on the Macon allotment.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested change in the Table of Allotments. Based on the information contained therein, it appears that the proposed Northport channel substitution could be accomplished in compliance with the minimum distance requirements of Section 73.207(b) of the Commission's Rules, providing a site-restriction approximately 6.8 kilometers southwest of Station WLXY(FM)'s present site were imposed. Should the Commission elect to retain the Macon allotment, a site-restriction of 9.8 kilometers west of Macon could be imposed in order to accommodate the WLXY(FM) upgrade.


## CONCLUSION

If this proposal is adopted, Warrior Broadcasting, Inc., will file an application seeking Class C3 facilities for WLXY(FM).

Except as noted above, the proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,  
WARRIOR BROADCASTING, INC.

  
James E. Shaw  
President

August 15, 1992

# TECHNICAL EXHIBIT

IN SUPPORT OF  
PETITION FOR RULE MAKING

SUBSTITUTION OF FM CHANNEL 264C3  
FOR FM CHANNEL 264A  
AT NORTHPORT, ALABAMA  
AND MODIFICATION OF LICENSE  
OF WLXY(FM) TO SPECIFY OPERATION  
ON THE HIGHER-CLASS CHANNEL

WARRIOR BROADCASTING, INC.

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Prepared August 11, 1992

CONTEMPORARY COMMUNICATIONS  
Broadcast Consultants  
Post Office Box 159  
Fayetteville, GA 30214  
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# CONTEMPORARY COMMUNICATIONS

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## TECHNICAL EXHIBIT

IN SUPPORT OF PETITION FOR RULE MAKING  
SUBSTITUTION OF FM CHANNEL 264C3  
FOR FM CHANNEL 264A  
AT NORTHPORT, ALABAMA  
AND MODIFICATION OF LICENSE  
OF WLXY(FM) TO SPECIFY OPERATION  
ON THE HIGHER-CLASS CHANNEL

WARRIOR BROADCASTING, INC.

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## INTRODUCTION

This Technical Exhibit supports the petition of Warrior Broadcasting, Inc., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by substituting FM Channel 264C3 for FM Channel 264A at Northport, Alabama, and the concomitant modification of Station WLXY(FM)'s license to specify operation on the higher-class channel.

## ALLOCATION

A study was performed using the computerized *SEARCHFM* frequency search program and the current FCC/NTIS database to determine if Channel 264C3 could be allocated to Northport in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The results



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of that study indicate that Channel 264C3 could be substituted for Channel 264A, in full compliance with Section 73.207(b), providing WLXY(FM) relocated its transmitter site to a location in the "useable area", an area to the southwest of Northport 1/. The site-restriction would be necessary in order to avoid short-spacing to Station WHMA-FM, Channel 263C at Anniston, Alabama. The substitution of Channel 264C3 for Channel 263A at Northport, Alabama, would also require the deletion of vacant and unapplied for Channel 263A at Macon, Mississippi, or in the alternative, the imposition of a site-restriction on the Macon allotment of 9.77 kilometers (6.1 miles) west of Macon. As shown on the attached Separation Study (Exhibit C), a site 9.77 kilometers west of Macon would meet all applicable spacing requirements of Section 73.207 of the Commission's Rules. Moreover, a site at this location would be close enough to the city of Macon to insure compliance with Section 73.315 of the Commission's Rules regarding "city grade" coverage of Macon, Mississippi.

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1/ The "useable area" is shown on Exhibit A, attached hereto. The exhibit depicts the required separation "arcs" from the pertinent co-channel and adjacent channel allocations and stations, and the maximum distance within which a C3 facility may be located while still providing the requisite 70 dBu contour over the city of Northport.

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## CONCLUSION

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Except as noted above, the proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 264C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are listed therein).

###

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## CERTIFICATION

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AUG 17 1992

State of Georgia     )  
                              ) ss.  
County of Fayette    )

FCC MAIL BRANCH

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by Warrior Broadcasting, Inc., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss  
Larry G. Fuss  
Affiant

AUGUST 11, 1992  
Date

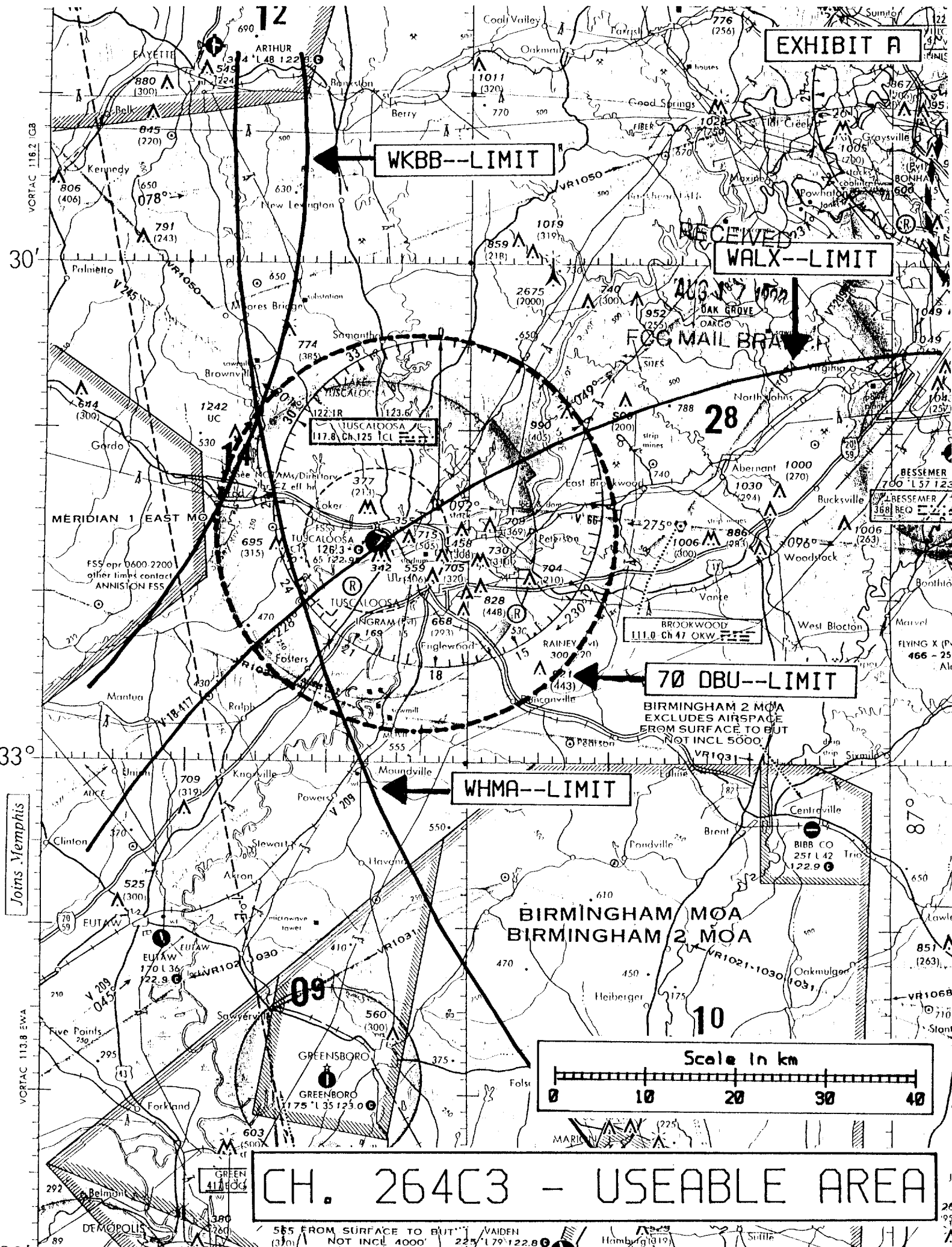


EXHIBIT B

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CONTEMPORARY COMMUNICATIONS  
P.O. Box 159 - Fayetteville GA

AUG 17 1992

WLXY CLASS C3 FEASABILITY STUDY  
NORTHPORT, ALABAMA

FCC MAIL BRANCH

REFERENCE		CLASS C3	DISPLAY DATES
33 16 00 N			DATA 07-30-92
87 44 01 W		Current rules spacings	SEARCH 08-11-92
----- CHANNEL 264 -100.7 MHz -----			

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WLXY	264A	Northport	AL	62.7	6.84	142.0	-135.16 *
LI CN	33 17 42	87 40 06	3.000 kW	100M	4.3	88.3	
	Warrior Broadcasting, Inc.				BLH910717KA		
WHMAFM	263C	Anniston	AL	76.9	176.00	176.0	0.00 *
LI CN	33 37 38	85 53 25	100.000 kW	348M	109.4	109.4	
	Emerald Broadcasting of the S				BLH890803KB		
AL263	263A	Macon	MS	259.2	89.02	89.0	0.02 < 1/
CP CN	33 07 00	88 40 17	3.000 kW	100M	55.3	55.3	
	WMXG, Inc.				BPH890531JJ		
WKBB	265A	West Point	MS	293.9	93.62	89.0	4.62
LI CN	33 36 30	88 39 15	3.000 kW	53M	58.2	55.3	
	Bob Mcraney Enterprises, Inc.				BLH6161		
WALX	265C2	Selma	AL	141.3	128.68	117.0	11.68
LI CN	32 21 40	86 52 28	50.000 kW	150M	80.0	72.7	
	Alexander Broadcasting Compan				BLH890324KC		
WFMHFM	266C	Cullman	AL	40.4	118.73	96.0	22.73
CP CN	34 04 54	86 54 13	100.000 kW	408M	73.8	59.7	
	The Voice of Cullman				BPH911220JF		
WJWFFM	261A	Artesia	MS	282.3	86.52	42.0	44.52
LI CN	33 26 00	88 38 30	3.000 kW	91M	53.8	26.1	
	Bravo Communications, Inc.				BLH860213LY		

1/ Separation based on allotment of Channel 263A at reference coordinates specified herein.

EXHIBIT C

CONTEMPORARY COMMUNICATIONS  
P.O. Box 159 - Fayetteville GA

AL263A MACON, MISSISSIPPI  
ASSUMING SITE 9.77 KM WEST OF MACON

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DISPLAY DATES

REFERENCE

33 07 00 N

88 40 17 W

CLASS

Current rules spacings

DATA 07-30-92

SEARCH 08-11-92

CHANNEL 263 -100.5 MHz

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WLXY	264C3	Northport	AL	79.2	89.02	89.0	0.02 < <u>1/</u>
LI CN	33 16 00	87 44 01	3.000 kW	100M	55.3	55.3	
Warrior Broadcasting, Inc.					BLH910717KA		
WJWFFM	261A	Artesia	MS	4.5	35.23	31.0	4.23
LI CN	33 26 00	88 38 30	3.000 kW	91M	21.9	19.3	
Bravo Communications, Inc.					BLH860213LY		
WJWFFM	260C2	Artesia	MS	4.5	59.77	55.0	4.77
AP CN	33 39 14	88 37 15	47.000 kW	154M	37.2	34.2	
Bravo Communications, Inc.					BPH901227IA		
>From Channel 261A Per D89-406-Amended 910904 & 920529							
WBLE	263C2	Batesville	MS	324.1	172.87	166.0	6.87
LI CN	34 22 44	89 45 57	50.000 kW	150M	107.4	103.2	
Batesville Broadcasting Compa					BLH890828KD		
ALOPEN	260C2	Artesia	MS	4.9	63.08	55.0	8.08
AL N	33 41 00	88 36 48	0.000 kW	0M	39.2	34.2	
89-406							
>Effective 2-21-92-Rsvd for WZIX per D89-406							
WNSL	262C	Laurel	MS	193.9	181.61	165.0	16.61
LI CN	31 31 37	89 08 07	100.000 kW	325M	112.9	102.6	
Design Media, Inc.					BLH850701LE		

1/ Hypothetical WLXY Class C3 operation at reference coordinates specified herein.